



Lamoine Board of Selectmen

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Draft

Policy Regarding Appointment of Town Personnel

- I. **Purpose:** The Lamoine Board of Selectmen is generally charged with the appointment of the various personnel to operate the municipal government. The purpose of this policy is to identify those positions that require an official appointment by the Board, the process by which the Board invites candidates for said positions, and the expectations of appointees.
- II. **Authority:** The Selectmen of Lamoine are the duly elected municipal officers of the Town, and have the authority by majority vote to appoint or to remove for cause after notice and hearing, non-elected municipal officials and employees pursuant to 30-A MRSA § 2601.
- III. **Classes of Appointees**
 - a. **Elected** – As outlined in town ordinance, the Board of Selectmen, Board of Assessors and RSU 24 Representative are elected by the voters of Lamoine by secret ballot referendum annually, or in the case of a vacancy, at a special town meeting. Elected employees are subject to state statute.
 - b. **Paid, Contracted** – The following positions are appointed by the Board of Selectmen and compensated under the terms of a contract with the Board: Administrative Assistant (Full Time), Clerk/Tax Collector (Full Time), Code Enforcement Officer/Plumbing Inspector (Part Time, salary), Animal Control Officer (Part Time, hourly), Transfer Station Manager (Part time, hourly) and Deputy Code Enforcement Officer (Part Time, hourly).
 - c. **Paid, Non Contracted** – The following positions are appointed by the Board of Selectmen and compensated, but do not work with a formal contract: Fire Chief, Deputy Code Enforcement Officer, Fill-In Transfer Station Attendant, Assistant Town Clerk/Tax Collector, Health Officer, Harbor Master, Deputy Harbor Master, Ballot Clerks, and Road Commissioner. Other paid positions may exist from time to time.
 - d. **Unpaid, Appointed by Selectmen** – All volunteer boards, including but not limited to the Planning Board, Board of Appeals, Budget Committee, Local School Advisory Committee, Conservation Commission, and Parks Commission are officially appointed by the Board of Selectmen. Included are such ad hoc committees as may be formed from time to time by the Selectmen.
 - e. **Volunteer Firefighters and Unpaid, Unappointed Volunteers** – The Lamoine Fire Chief oversees the employment of all volunteer fire firefighters. Unappointed volunteers include participants in town events including but not limited to roadside litter removal efforts, the Flattop 5K Road Race, and other special events that may be held from time to time. This would include subcommittees of officially appointed boards. This policy does not apply to this class of appointees.
- IV. **Terms of Office/Appointments**
 - a. **Elected** – All elected office terms are for three years, unless the elected official is a replacement due to a vacancy, in which case the term shall expire at the end of the term for which the original officer was elected.

- b. **Paid, Contracted** – The term of office is specified within the employee contract. If not stated, the term shall expire at the end of the fiscal year. Contracted employees may be subject to a probationary period.
- c. **Paid, non contracted** - The term of office generally coincides with the fiscal year, unless otherwise established by state statute (i.e. Registrar of Voters and Health Officer). The term may be extended by agreement of the appointee and a majority of the Board of Selectmen
- d. **Unpaid, Appointed by Selectmen** – The term of office is dictated by the board, commission or committee on which the appointee serves. The terms are generally 3-years in length, with the exception of the Planning Board which is a 5-year appointment for non-alternate members. The terms are staggered amongst the members in order to maintain a continuing membership.

V. Supervision and Appointment Authority

- a. **Elected** – Elected officials are selected by the Lamoine Town Meeting according to the Ordinance regarding municipal elections, terms of office and assumption of official responsibilities.
- b. **Paid, Contracted** – The Board of Selectmen appoints and enters into contracts with such employees. The Selectmen have direct supervision responsibility and generally will conduct an annual review and contract negotiation with such employees. The Selectmen may delegate such review and contract negotiation to the Administrative Assistant for all positions, with the exception of the Administrative Assistant.
- c. **Paid, Non Contracted** – The Board of Selectmen appoints such employees and during the budget process will develop an understanding of the rate of pay. The Selectmen have direct supervision responsibility and may conduct a performance review with such employees. Reviews may be delegated to the Administrative Assistant who may conduct such reviews on a formal (written) or informal (oral) basis.
- d. **Unpaid, appointed by Selectmen** – The Selectmen appoint such appointees. While the Selectmen have the final supervisory authority for removal and reappointment purposes, the chair of the board, commission or committee to which the appointee is named has immediate supervisory authority. The various boards, commissions and committees choose the chair and other officers who serve at the pleasure of the Board of Selectmen.

VI. Appointment Procedures

- a. **Initial Appointment – Paid** – Persons who desire to fill a paid position shall make written application to the Lamoine Board of Selectmen, either directly to the Board or through the Administrative Assistant. Application shall be in such form as the Selectmen provide, or by cover letter and resume. All applicants for paid positions are subject to criminal background checks conducted by the Town of Lamoine through the Maine State Bureau of Investigation. The Board of Selectmen shall conduct an initial assessment of all applications for a vacant position, and based on the applications choose which, if any, applicants it wishes to

interview for any position. The assessment and interview process shall be conducted in executive session pursuant to 1MRSA §405(6)(a).

- b. **Initial Appointment – Unpaid** - Persons willing to serve on a municipal board, commission or committee shall make that desire known either to a committee chair, Selectman, or the Administrative Assistant to the Selectmen. The Board of Selectmen shall conduct an initial assessment of all applications for a vacant position, and based on the applications choose which, if any, applicants it wishes to interview for any position. The assessment and interview process shall be conducted in executive session pursuant to 1MRSA §405(6)(a).
- c. **Reappointment** – The Administrative Assistant shall contact all appointees prior to the expiration of their term and determine whether the appointee desires reappointment. The Administrative Assistant shall maintain and disseminate the list of expiring appointments and whether the appointee desires reappointment. The Board of Selectmen are not obligated to interview any appointee who seeks reappointment, but may choose to do so and hold such interviews in executive session pursuant to 1MRSA §405(6)(a). The Board is not obligated to reappoint any official.
- d. **Certificate of Appointment** – The Administrative Assistant shall prepare a written certificate of appointment for all individuals appointed by the Board of Selectmen. A majority of the Board shall sign the appointment certificate at a public meeting and said certificate shall be delivered to the Town Clerk for filing, recording and preparation of the oath of office.
- e. **Oath of Office** – The Town Clerk or other qualified individual shall administer the oath of office to all appointees. Those who are reappointed to their positions are considered sworn upon their initial appointment and need not swear the oath prior to continuing their appointed position.
- f. **Record Keeping** – The Town Clerk shall maintain a record of each appointment and oath in the official Clerk's Book, and maintain each signed appointment and oath in a separate binder with said records to be maintained in accordance with the State of Maine records disposition statutes. Written applications, resignations, and transmittal letters regarding employment and appointment shall be entered into a confidential personnel file maintained by the Administrative Assistant.

VII. Notice of Vacancies

- a. **Elected** – The town clerk or designee shall notify all elected officials prior to the availability of nomination papers that their term will expire and that nomination papers will be available on a certain date prior to the municipal election. Notification shall be in writing and delivered by first class mail to the official's last known address. Notice of the availability of nominating papers shall be printed in a local newspaper of general circulation and posted in the same manner and location of town meeting notices. Other forms of advertising may be utilized as well.
- b. **Compensated Positions** – The town clerk or designee shall contact those compensated employees prior to the expiration of their term to

determine whether they wish to continue in the position. If the appointee expresses a desire to terminate service at the end of the appointment term, the Administrative Assistant shall be informed who shall then inform the Board of Selectmen in order to declare an upcoming vacancy. Such vacancy shall be advertised in the same manner as the elected position notice in paragraph “a” above.

- c. **Non Compensated Positions** – The Administrative Assistant shall contact those appointees who are not compensated prior to the end of their term to determine whether they wish to continue in the position. If the appointee expresses an interest in continuing the Administrative Assistant shall so inform the Board of Selectmen. The Board is not obligated to reappoint any official. If the appointee expresses a desire to terminate service at the end of the appointment, the Administrative Assistant shall notify the Board of Selectmen who shall declare a vacancy. The notice of vacancy shall be posted in the same manner as town meeting notices and may be advertised by other means. The chair of the affected board, commission or committee shall also be notified that a vacancy is declared.
- d. **Advertising means** – In addition to the postings required in paragraphs a-c above, the town may utilize many other resources, including, but not limited to posting on the town’s website, e-mail notification to subscribers to the town’s e-mail lists, face to face recruitment, posting to other web sites.
- e. **List Maintenance** – The Administrative Assistant shall maintain and periodically update a list of such persons who have offered to volunteer their services for boards, commissions and committees.

VIII. Service Expectations

All appointees serve at the pleasure of the Board of Selectmen.

- a. **Meeting Attendance** – Appointees are expected to attend all meetings of their respective board, commission or committee. If the appointee is unable to attend, the board chair shall be notified in advance of the meeting. Such notification shall constitute an excused absence. If the appointee is unable to make advanced notification, the board chair shall be contacted after the meeting, and the absence may or may not be excused at the discretion of the board chair. Failure to contact the board chair shall constitute an unexcused absence. Three consecutive unexcused absences shall be reported to the Board of Selectmen who shall contact the appointee for a meeting. If the appointee fails to attend a meeting or respond to the contact, the appointee shall be considered to have voluntarily resigned and the Selectmen shall declare a vacancy, notifying the appointee in writing of such action.
- b. **Oath Required** – all appointees, at their initial appointment, shall swear an oath of service in such form as generally required by the Lamoine Town Clerk.
- c. **Resignations** – An appointee who wishes to resign from a board, commission or committee shall submit that desire in writing to either the board chair, the Administrative Assistant or the Board of Selectmen

directly. The Selectmen shall act upon the resignation request at the next regularly scheduled or special meeting and notify, in writing, the resigning appointee of the acceptance.

- d. **Death in office** – Should an appointee or elected official die while holding office, a vacancy shall be declared by the Board of Selectmen at the next regular or special meeting. Replacement in the case of elected officials shall be in a manner prescribed by Maine statutes. Replacement of an appointed office shall be in the manner described in Section VI and VII above.

- e. **Removal for Cause** – The process to remove an appointee for office (for cause) is outlined in the Town of Lamoine General Employment Policy.

IX. Validity and Severability

- a. The Selectmen, as the chief elected municipal officers, have the authority to pass policies for board actions. Town meeting approval for this policy is not required. Amendments may be made at properly advertised public meetings of the Board of Selectmen upon majority vote.
- b. If any part of this policy is found to be illegal or unconstitutional, it shall not invalidate any other section of this policy.

X. Effective Date – This policy is effective upon the date of approval by the board of Selectmen as indicated in the signature section below.

XI. Signature Section

This policy is approved this ____ day of _____, 2013 by:

_____ S. Josephine Cooper, Chair	}	
	}	
	}	
_____ Cynthia Donaldson	}	
	}	
	}	
_____ Gary McFarland	}	<i>The Lamoine Board of</i>
	}	<i>Selectmen</i>
	}	
_____ Bernard Johnson, Jr.	}	
	}	
	}	
_____ Nathan Mason	}	

Attest: A True Copy _____
Stuart Marckoon, Deputy Town Clerk